

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1788 of 2021

D.Vasanthakumar

...Petitioner

Vs

1.The Commissioner of Municipal Administration,
MRC Nagar, Raja Annamalai Puram,
Chennai - 600 028.

2.The Commissioner,
Salem Corporation, Salem.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 2nd respondent herein to forthwith disburse the retirement benefits i.e. Death-cum-Retirement Gratuity commutation of Pension, enhancement of Earn Leave Salary, Vth Pay Commission Arrears, etc., with permissible interest by considering the representations of the petitioner, dated 24.12.2020.

For Petitioner	: Mr.A.Bharathi
For Respondents	: Mrs.P.Rajalakshmi, (for R1) Additional Government Pleader Mr.S.Sathish, (for R2)

O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to disburse the retirement benefits i.e. Death-cum-Retirement Gratuity commutation of Pension, enhancement of Earn Leave Salary, Vth Pay Commission Arrears, etc, with permissible interest by considering the representations of the petitioner dated 24.03.2020 and 08.01.2021.

2. Mrs.P.Rajalakshmi, learned Additional Government Pleader takes notice for R1 and Mr.S.Sathish, learned counsel for R2 and R3. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he retired from service as Accounts Officer (General) in the respondent Corporation after attaining the age of Superannuation on 31.05.2019. Subsequently, the Deputy Director of Local Fund Audit, Salem has also sent a proposal, permitting the 2nd respondent to settle the retirement benefits to the petitioner and pursuant to the same, the 2nd respondent has also granted permission for settlement of retirement benefits. However, since the respondents have not disbursed the retirement benefits, the petitioner has made two representations dated 27.07.2020 and 28.12.2020 to the second respondent for disbursement of the same. As there is no action taken on his representations, having no other remedy except to approach this Court, the petitioner has filed the present writ petition.

4. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned, this Court directs the 2nd respondent to consider the representations of the petitioner dated 28.12.2020 and pass appropriate orders, in accordance with law, if not already passed, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order. It is made clear that in case of any delay in payment, the interest shall be payable at the rate of 10 % per annum from the amount due and if no decision is taken with regard to disbursement of the amount, the entire interest portion shall be recovered from the concerned Officer, who is responsible for disbursement of amount. Further, it is made clear that if any amount has already been paid, the same shall be adjusted during the disbursement of retirement benefits.

5. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 24.12.2020 and this order, to the 2nd respondent forthwith. The 2nd respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vum

To:

1.The Commissioner of Municipal Administration,
MRC Nagar, Raja Annamalai Puram,
Chennai - 600 028.

2. The Commissioner,
Salem Corporation, Salem.

+1 CC to Mr.A.Bharathi, Advocate sr 5122.

+1 CC to The Government Pleader sr 1784.

W.P.No.1788 of 2021

BR(CO)
SP(16/03/2021)